

Choice Salad Oil and Fifteen Percent Lucca Olive Oil", were misleading and deceived and misled the purchaser, in that they created the impression that the article was Italian olive oil, whereas it consisted largely of domestic cottonseed oil packed in the United States. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so.

On May 28, 1934, no claimant having appeared for the property, judgment of condemnation was entered and the court ordered that the United States marshal deliver the product to charitable organizations and destroy the containers.

M. L. WILSON, *Acting Secretary of Agriculture.*

22438. Adulteration and misbranding of tomato catsup. U. S. v. 6 Cases et al., of Tomato Catsup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32425, 32478. Sample nos. 58944-A, 58945-A, 58948-A, 58949-A.)

These cases involved interstate shipments of two lots of bottled catsup and a number of jugs of catsup. Examination of samples of both lots of bottled catsup showed the presence of excessive mold. Examination of the product in jugs showed that the contents was less than 1 gallon, the purported volume.

On March 26, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6 cases and 38 jugs of catsup at Hazleton, Pa. On April 2, 1934, a libel was filed in the Eastern District of Pennsylvania against 45 cases of catsup at Reading, Pa. It was alleged in the libels that the article had been shipped in interstate commerce, on or about August 14, August 31, and September 1, 1933, by Raab's Blue Ribbon Products Inc., from Williamstown, N. J., and that a portion was adulterated and the remainder misbranded in violation of the Food and Drugs Act as amended. The catsup contained in the jugs, and a part of the bottled catsup were labeled, "Blue Ribbon Brand Tomato Catsup * * * Raab's Blue Ribbon Products Incorporated Williamstown, N. J.", the jugs being further labeled, "Contents 14 Ozs", and (blown in the jug) "One Gallon." The remainder of the bottled catsup was labeled in part: "Ensslen's Brand Tomato Catsup * * * Rudolph Ensslen Sons * * * Reading, Pa."

It was alleged in the libels that the bottled catsup was adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

Misbranding of the portion of the product contained in jugs was alleged for the reason that the statements on the label, "Contents Fourteen Ozs.", as applied to a gallon-sized container and the statement blown in the jug, "One Gallon", were false and misleading and tended to deceive and mislead the purchaser; and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements made were incorrect.

On April 18 and April 27, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22439. Adulteration of egg colors. U. S. v. 52 Cartons, et al., of Egg Colors. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32429, 32452, 32453, 32455, 32457, 32458, 32472, 32476, 32477. Sample nos. 26841-A, 41319-A, 41349-A, 60905-A, 65686-A, 65688-A, 65689-A, 65818-A, 65819-A.)

These cases involved egg colors that contained lead chromate and Prussian blue pigments, both poisonous and deleterious ingredients.

On March 27, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 52 cartons, each containing 36 packages of egg colors, at Minneapolis, Minn. On March 28, March 29, and March 30, 1934, libels were filed in various district courts against the following lots of egg colors: 60 dozen packages at Evanston, Ill., 60 dozen packages at Oak Park, Ill.; 60 dozen packages at Chicago, Ill.; 612 packages at Dubuque, Iowa; 100 cartons at St. Louis, Mo.; 24 cabinets each containing 36 packages, at Columbus, Ind., 14 of the said cabinets at Muncie, Ind.; and 16 cartons of the product at Springfield, Ill. It was alleged in the libels that the article had been shipped in interstate commerce by Rainbow Egg Colors, in part from

Menasha, Wis., and in part from Green Bay, Wis.; that the shipments had been made between the dates of January 26, 1934, and March 14, 1934; and that the article was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Rainbow Egg Colors Green Bay, Wis."

It was alleged in the libels that the article was adulterated in that it contained added deleterious ingredients, namely, lead chromate and Prussian blue pigments which might have rendered it injurious to health.

No claimant appeared for the property. Between the dates of April 25, 1934, and July 7, 1934, judgments of condemnation and forfeiture were entered in all cases, and the product was ordered destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22440. Adulteration of dried black grapes. U. S. v. 1,100 Cases of Dried Black Grapes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32430. Sample no. 46816-A.)

This case involved an interstate shipment of dried black grapes which were found to be insect-infested.

On March 26, 1934, the United States attorney for the District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,100 cases of dried black grapes at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about February 8, 1934, by the Federal Fruit Distributors, from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. Amendments to the said libel were filed on March 27 and March 29, 1934. The article was labeled in part: "F B Co Inc New Orleans La 25 lbs net Dubon Brand Dried Zinfandel Black Grapes Distributed by Dubon Company Inc. New Orleans La., Quality California Raisins."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On April 10, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22441. Misbranding of apple butter. U. S. v. 448 Cases, et al., of Apple Butter. Decrees of condemnation and forfeiture. Portion of product released under bond; remainder destroyed. (F. & D. nos. 32438, 32439, 32504, 32505. Sample nos. 68804-A, 68805-A, 68820-A, 68821-A.)

Sample jars of apple butter taken from the shipments covered by these cases were found to contain less than the labeled weight.

On March 28 and April 5, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court four libels praying seizure and condemnation of 710 cases of apple butter in various lots at Philadelphia, Reading, and Pottsville, Pa., alleging that the article had been shipped in interstate commerce, between the dates of January 31 and March 23, 1934, by A. H. Renehan & Son, from Sykesville, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Jar) "Patapsco Brand Pure Apple Butter Cont. 38 Ozs. * * * A. H. Renehan & Son, Sykesville, Md."

It was alleged in the libels that the article was misbranded in that the statement on the label, "Cont. 38 Ozs.", was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 5 and April 11, 1934, A. H. Renehan & Sons, having appeared as claimant in three of the cases involving 666 cases of the product, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product covered by the said cases be released to the claimant upon payment of costs and the deposit of collateral in the amount of \$900, conditioned that it be relabeled under the supervision of this Department. On June 12, 1934, no claim having been entered in the remaining case, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the 9 cases of the product seized under the libel be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*